

REMARKS

The Examiner is thanked for the Final Action dated March 30, 2004 and the indication of allowable subject matter. This amendment and request for reconsideration is intended to be fully responsive to the above Office Action.

Claim 1, 2, 16, 17, 19 and 20 were rejected under 35 U.S.C. 102(b) as anticipated by newly cited U.S. Patent 6,144,315 to Flick. This rejection is respectfully traversed in view of the above amendment and the following comments.

Applicant maintains that Flick '315 fails to disclose a "a means (3) for controlling at least one action of the actuator mechanism [of an openable panel of the vehicle], when a motion of the user is remotely sensed by way of a motion sensor (7)."'

In any effort to expedite prosecution, Applicant has amended the claims to accept the allowable subject matter noted by the Examiner. Claim 1 has been amended to include the subject matter of claims 2 and 3 and claim 4 has been amended to include the subject matter of claims 1 and 2. No new matter or new issues are raised by the foregoing amendment.

It is respectfully submitted that the above amendments and comments resolve all outstanding issues and place this application in condition for allowance. Should the examiner believe that additional discussion would advance the prosecution of the present application, please contact the undersigned.

Applicants believe that no fee is required for this submission. However, should a fee be due, please charge such fee to Deposit Account No. 50-0548.

Respectfully submitted,



Matthew Stavish
Registration No. 36,286

LINIAK, BERENATO & WHITE
6550 Rock Spring Drive
Suite 240
Bethesda, Maryland 20817
Telephone: (301) 896-0600